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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BURLESON,

Defendant.

Case No. 2:16-cr-00046-GMN-PAL

**STIPULATION FOR EXTENSION OF
TIME TO FILE GOVERNMENT'S
RESPONSE TO DEFENDANT
BURLESON'S MOTION FOR NEW
TRIAL AND/OR DISMISSAL WITH
PREJUDICE (ECF No. 3422) (FIRST
REQUEST)**

CERTIFICATION: This Stipulation is timely filed.

IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A. Trutanich, United States Attorney, and Steven W. Myhre, Assistant United States Attorney, counsel for the United States of America, and Mark D. Eibert, counsel for Defendant Gregory Burleson, that the deadline for the government to respond to defendant's Motion For New Trial and/or Dismissal with Prejudice (ECF No. 3422) ("Motion") be extended to on or before **March 29, 2019**.

1 This stipulation is entered into for the following reasons:

- 2 1. On February 12, 2019, the Court ordered the defendant to serve the sealed
3 Motion on the government by mail and for the government to file its
4 Response within fourteen days of service. ECF No. 3436.
- 5 2. Defendant responded that he had effected service by mail at the time of his
6 original filing and before the Court's Order of February 12, but that he re-
7 served the government by mail on February 12, per the Court's Order. ECF
8 No. 3438. Government counsel confirmed that an email from defendant was
9 sent to government counsel on January 25, 2019, which email attached the
10 Motion and a declaration from defense counsel.
- 11 3. Government counsel further states that counsel's email was sent during the
12 government shutdown. The government further shows no record that service
13 by defendant was ever calendared in its case management system, most likely
14 as a result of events surrounding the shutdown and reopening of government
15 functions.
- 16 4. At all events, however, counsel for the defendant and counsel for the
17 government have conferred and agree that the government is now served and
18 that it will file its Response to the Motion on or before **March 29, 2019**.
- 19 5. The additional time requested herein is not sought for purposes of delay, but
20 merely to allow the Government adequate time to prepare a Response to the
21 Motion, taking into account due diligence.
- 22 6. This is the first request to continue the Government's response deadline.

1 **WHEREFORE**, the parties respectfully request that the Court accept this Stipulation
2 and enter an Order requiring the government to file its Response to Defendant's Motion for
3 New Trial and/or Dismissal with Prejudice on or before **March 29, 2019**. For the
4 convenience of the Court, a draft Order has been prepared and is attached to this
5 Stipulation.

6 DATED this 19th day of February, 2019.

7 // s // Steven W. Myhre

8 STEVEN W. MYHRE

9 Assistant United States Attorney

10 Counsel for the United States

11 // s // Mark D. Eibert

12 MARK D. EIBERT

13 Counsel for Defendant Gregory Burleson

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BURLESON,

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Case No. 2:16-cr-00046-GMN-PAL

ORDER

This matter coming on the parties' Stipulation for Extension of Time to File the Government's Response to Defendant Burleson's Motion for New Trial and/or Dismissal with Prejudice (ECF No. 3422), the Court having considered the premises therein, and good cause showing, the Court accepts the parties' Stipulation.

It is **ORDERED** that the government will file its Response to defendant Burleson's Motion for New Trial and/or Dismissal with Prejudice (ECF No. 3422) on or before **March 29, 2019**.

Entered this 20 day of February, 2019.



GLORIA M. NAVARRO
Chief United States District Judge